

COURT NO.3

Criminal transfer application no. 9 of 2002

Kameshwar Dayal and
another

...Applicants.

Vs.

Iti Dayal and another

.. Opposite parties.

Hon'ble Irshad Hussain, J.

Heard Sri Lalit Belwal, Advocate for the applicant and Sri Dinesh Chauhan, Advocate for the opposite parties.

This is a petition under section 407 of the Code of Criminal Procedure (hereinafter in short 'Code') for transfer of the case under section 125 of the Code pending before the C.J.M., Almora.

The application under section 125 of the Code was filed by the minor daughter and son of the petitioner. the ground taken for transfer is that the applicants in collusion with their mother who is living separately from the petitioner, want to unnecessary harass and even assault the petitioner and they intended to put harm to him in every possible manner if he visited Almora to contest the petition. The petitioner is residing at Bareilly in connection with his employment there. I have also considered the averment in the affidavit as well as the counter affidavit filed on behalf of the minor respondents. It would not be practicable for the minors to go to Bareilly to prosecute their application under section 125 of the Code whereas the petitioner could very well go to Almora to contest the application if he intend to do so and if really has any apprehension he

may move an application to this effect to the district authorities so that he may be given security and protection as and when he visit Almora on the dates fixed in the proceedings pending against him there.

In view of the circumstances narrated above, it would not be just and proper to transfer the petition pending at Almora. Petition is disposed of accordingly.

(Irshad Hussain, J.)

21.11.02./B.